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EXTRAORDINARY

PART II—Section 2

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HOUSE OF THE PEOPLE

The following Bills were introduced in the House of the People on 9th April, 1954:—

BILL No. 16 OF 1954

A Bill to restrict the advanced age marriages.

WHEREAS it is expedient to introduce certain restrictions regarding the marriages of males of advanced age;

BE it enacted by Parliament as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Advanced Age Marriage Restraint Act, 195 .

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. Punishment for male above forty years of age marrying a female below twenty-five years of age.—Whoever being a male above forty years of age, contracts a marriage with a female who is less than twenty-five years of age and who had not been previously married, shall be punishable with simple imprisonment which may extend to three months or with fine which may extend to one thousand rupees or with both.

3. Punishment for solemnising marriages of males above forty years of age.—Whoever performs, conducts or directs any marriage in contravention of section 2 shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to one thousand rupees or with both.

4. Jurisdiction under this Act.—Notwithstanding anything contained in section 190 of the Code of Criminal Procedure, 1898 (V of 1898), no Court other than that of a Presidency Magistrate or a District Magistrate shall take cognizance of, or try any offence under, this Act.

5. Mode of taking cognizance of offences.—No Court shall take cognizance of any offence under this Act after the expiry of one year from the date on which the offence is alleged to have been committed.

6. Preliminary inquiries into offences under this Act.—The Court taking cognizance of an offence under this Act shall, unless it dismisses the complaint under section 203 of the Code of Criminal Procedure, 1898 (V of 1898), either itself make an inquiry under section 202 of that Code, or direct a Magistrate of the First Class subordinate to it to make such inquiry.

7. Power to take security from complainants.—(1) At any time after examining the complaint and before issuing process for compelling the attendance of the accused, the Court shall, except for reasons to be recorded in writing, require the complainant to execute a bond, with or without sureties, for a sum not exceeding one hundred rupees, as security for the payment of any compensation which the complainant may be directed to pay under section 250 of the Code of Criminal Procedure, 1898 (V of 1898) and if such security is not furnished within such reasonable time as the Court may fix, the complaint shall be dismissed.

(2) A bond taken under sub-section (1) shall be deemed to be under the Code of Criminal Procedure, 1898 (V of 1898) and Chapter XLII of that Code shall apply accordingly.

8. Compounding of an offence under this Act.—Any offence under this Act shall not be compoundable except with the permission of the trying Court, and the reasons for such a permission shall be recorded in writing.

9. Power of Court to issue injunction.—(1) Notwithstanding anything to the contrary contained in this Act, the Court if satisfied with information laid before it through a complaint or otherwise that a marriage in contravention of this Act has been arranged or is about to be solemnised, may issue an injunction against any of the persons mentioned in sections 2 and 3 of this Act prohibiting such marriage.

(2) No injunction under sub-section (1) shall be issued against any person unless the Court has previously given notice to such person, and has afforded him an opportunity to show cause against the issue of the injunction.

(3) Whoever knowing that an injunction has been issued against him under sub-section (1) disobeys such injunction shall be punishable with imprisonment which may extend to three months, or with fine which may extend to one thousand rupees, or with both:

Provided that no woman shall be punishable with imprisonment.

STATEMENT OF OBJECTS AND REASONS

Everyone in this country is conscious of the deplorable fate of young women who are married to males of advanced age who generally die after a few years of their marriage, leaving young widows

to mourn over the loss of their husbands all their lives. Widow re-marriage is not prevalent in India and the prevailing corruption in Indian society, on account of the absence of any legislation to restrict marriage of males of advanced age, is known all over the country.

This Bill proposes to put certain restrictions on and check marriage of males of advanced age.

DIWAN CHAND SHARMA.

BILL No. 15 OF 1954

A Bill to provide punishment for free, forced or compulsory labour.

Whereas it is expedient to provide punishment for free or forced or compulsory labour;

BE it enacted by Parliament as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Prevention of Free, Forced or Compulsory Labour Act of 195 .

(2) It shall extend to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force at once.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(a) “forced or compulsory labour” means all work or service which is exacted from any person under threat of a penalty and for which the said person has not offered himself voluntarily:

Provided that the term forced or compulsory labour shall not include any work or service exacted under the Indian Forest Act, 1927 (Act XVI of 1927) and the Bombay Irrigation Act, 1879 (Bombay Act VII of 1879);

(b) “free labour” means labour without providing remuneration in cash at the prevailing market rates in the locality for that kind of labour.

3. Punishment for taking free, forced or compulsory service.—Whoever takes or attempts to take or abets the taking of free, forced or compulsory service of any manual labour from any person shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees or with both.

4. Offences to be cognizable.—The offences under this Act shall be cognizable and triable by any magistrate within whose local jurisdiction the free or forced labour is taken, or the person resides from whom such free or forced labour is taken.

5. Working hours.—The normal working hours of any person from whom forced or compulsory labour is exacted shall be the same as those prevailing in the case of voluntary labour, and the

hours worked in excess of the normal working hours shall be remunerated at the rates prevailing in the case of over-time for voluntary labour.

6. Rates of remuneration.—Forced or compulsory labour of all kinds shall be remunerated in cash at rates not less than those prevailing for similar kind of work either in the district in which the labour is employed or in the district from which the labour is recruited, whichever may be higher.

Explanation.—For the purpose of payment of wages the days spent in travelling to and from the place of work shall be counted as working days.

STATEMENT OF OBJECTS AND REASONS

All forms of free or forced labour have their roots in the feudal form of society. This evil prevails in its most aggravated form in rural areas where feudalism, still survives and even thrives. They have outlived their age, and it is high time to put a stop to it.

The International Labour Conference which met in 1930 passed a convention for the abolition of forced or compulsory labour.

The principle that no person can be compelled to labour against his will is recognized by section 374 of the Indian Penal Code. But the working of the section is so vague that it has failed to root out this evil. The mischief does not lie in compulsion alone, but in non-payment of wages and inadequate payment.

This Bill seeks to make free or compulsory or forced labour an offence punishable with imprisonment or fine or with both. It recognises two exceptions to compulsory labour. It allows impressed labour provided for in the Indian Forest Act, 1927 and the Bombay Irrigation Act, 1879. As it is but just that such labour ought to be adequately remunerated, the Bill makes provision for such payment.

DIWAN CHAND SHARMA.

M. N. KAUL,
Secretary.